

1887-055 Chancery Causes: M. B. Wygal & os. R. M. Hamblen &
Lee Co

Ely, Bishop, Harris, Long, Sheets

CA-Estate Dispute
T-Property

To the Honorable John A. Kelly Judge
of the Circuit Court of Lee County Va
Humbly complaining, your
Orators, & oratrices, M. B. Wygal Stanton
Wygal, Sebastian Wygal J. R. Ely and
Sarah Ely his wife E. S. Bishop and Cyra
Thia J. Bishop his wife Francis J. Wygal
James B Wygal John B Wygal, and
Wm W Wygal. would respectfully show
your Honor, That on the day of
18 one James S. Long, a citizen
of Lee County departed this life intestate.
Leaving several children, to wit Henry
Long, M. M. Long, Precious Long
who intermarried with L. J. Shuts and
Alice Long who intermarried with.

his heirs at law. That
on the 19th day of March 1866, R. M. Hamblin
and, A. M. Ely were appointed by the County
Court of Lee County Va The Guardians of
The said Henry, M. M., Precious, & Alice
Long and executed bond as such, with
Robert Henson, and Birdine Wygal as their
sureties in said bond. All of which will fully
appear by the records of the County Court of
said County still remaining on file
which so far as necessary will be filed
herewith if required Marked "A"

Your Orators & Oratrices will now show your Honor that sometime after their appointment to wit on the day of June 1873. That the said, Guardians made an 4/5 parts settlement, by which they showed that they had accounted for all the sums which had come into their hands except about the sum of 15 cents. This result was brought about, by the commissioners blending the shares of all of said words together and treating the whole, as one general fund, and making an allowance a charge against said General fund for the board and clothing of M. M Long one of said words which, absorbed the whole fund, all which will fully appear by reference to said 4/5 parts settlement a copy of which is her filed marked "B." After the said Henry Long and Precious Long attained their Majority, they instituted their suit in Chancery in your Honorable Court against, R M Hamblin and A M. Ely their guardians, and to this bill they made the Administrators of Birdine Wygal and the Administrators of Robert Henson, the said Wygal and Henson, being parties in the official bond of said Guardians, the

parties defendant, upon a ~~final~~ hearing ~~in~~ This cause a decree was entered directing a settlement of said Guardians account, which upon being made resulted in finding That said Guardians owed to Henry Long on the 6th day of December 1880 the date at which he attained his majority, the sum of \$58.71 That they owed to Precious Shuts formerly Long, the sum of \$30.73, as of Jan'y 1st 1880. That they owed to Alice Long as of Feby 14th 1883, the date when she attained her majority, the sum of \$33.79, And That they had overpaid M. M. Long the sum of \$97.58 as of the 1st day of February 1870, and a decree was entered in favor of the three parties first named for the sums found due them, with interest from the dates named, and the questions affecting rights of the said M. M. Long were reserved. This decree was rendered against the said R. M. Hamblen and A. M. C. L. Guardians and against the Admrs. of Birdine Pygal and the Admr. of Robert Hinson, all which will fully appear by reference to said Chancery cause still remain,

among the records of your Honorable Court
copies will be filed herewith if necessary
marked "C"

Upon this decree, executions issued
and were placed in the hands of
the Sheriff of the County for collection
and said Sheriff finding no property
in the hands of the said Ely, and none
in the hands of the said Hamblen, and
there being no estate in this State
belonging to the said Hanson your
orators had to pay the same. These
payments were not made by the Admors
of said Wygal against whom said judg-
ments were rendered because they had
settled their accounts, and had account-
ed for the whole of said estate, but
were paid by your orators as heirs of
said Wygal. The payments thus made
for and on account of said judgments
amounted principal interest and costs
to the sum of \$149.13. an account
of which is herewith filed marked "D"
Your orator will now show your Honor
that the said R. M. Hamblen, has no prop-
erty known to your orators. The said
A. M. Ely is dead, leaving the follow-
ing children his heirs at law to whom his
estate descended To wit. Wm S. Ely

Alexander M. Ely Charles Ely John Ely
Mary Harris formerly Ely who intermarried
with Est Harris Pettie Ely Minnie Ely
Lucy Ely, Ollie Ely Ethel Ely & Ida Ely,
~~Letters of Administration~~ on his estate
was granted by the County Court of Lee County
to Alexander M. Ely his son. Said Andrew
M. Ely as your complainants are informed
left a very small ^{personal} estate, But they are
informed that he is the owner of a very
valuable tract of land containing some
200 or 300 acres situated some 24 miles
south west of Jousville which was con-
veyed to him by W. W. Anderson & wife
This tract of land he has since conveyed
to his son W. S. Ely but this conveyance
they are informed was without consid-
eration and made to hinder defraud and
delay his creditors in the collection of
their debts, But if mistaken in this
then your complainants will show
your Honor that the consideration men-
tioned in said deed which is \$1500 was
never paid. The deed to said land was
made under the following circumstances on
the following conditions. William Ball
who was the father of the said A. M. Ely's
first wife and the grandfather of the

first batch of children, had given to
said children, proposed to give and
did to said children the very valu-
able tract of land on which said Ely
then resided. In this condition of things
the said Wm S. Ely proposed to his father
that if he the said A M Ely would ~~convey~~
convey to him the Anderson Tract of land
that he would have his grand father
William Ball to convey to him the said
A M Ely one sixth of the farm which
proposed to give and did afterwards
give to said children, Upon these
terms said conveyance was made
by said A M Ely, and after it was made
the said Ball refused to convey to the
said A M Ely the one sixth of said
tract of land or any other part, so
your complainants over that said
conveyance was without consideration
and the said Wm S. Ely is only a trust-
ee holding for the said A M Ely's ben-
efit or if not that then that he owes
the value of said land to the said
A M Ely and in either view the
land or the price of the land belongs
to the estate of A M Ely deceased
and is liable for his debts. The said
Ely owned at the time of his death other
lands but they are not well enough
known to your complainants to describe them

Your orator & oratrices will further show your Honor That, The Settlement made by said Guardians show That they overpaid M. M. Long \$97.58 as of Aug 1st 1870 if this is true he ought to pay back that sum with its interest and if that sum was paid it would satisfy or about satisfy the sum paid by your complainants for said Guardians They are advised he has estate in the hands of Thomas S Ely his late guardian which ought to be applied to the Settlement of this indebtedness

Now the object of this bill is to recover back from said guardians the sum which your complainants have had to pay for them, and to this end they make
B M Hambleton late Guardian of James S Long his Alexander M Ely Adm of A M Ely decd who was also one of the guardians of said heirs and the said Alexander M Ely, W. S. Ely Charles Ely John Ely Mary Harris formerly Ely, & E W Harris her husband Rittie Ely Minnie Ely Lucy Ely Ellie Ely Ethel Ely & Ida Ely children heirs at law of A M Ely decd M M Long & Thomas S Ely ~~Guardian~~ ^{Ely} late guardian of the said M M Long the parties defendant to this bill

and They pray That They each be required
to answer its several allegations on oath
That upon a final hearing That The money
paid out by them for and on account of
said guardians failures and defaults
be paid back to them. That if found ne-
cessary the deed from A M Ely to W. S. Ely
be set aside and held for naught or
if this cannot be done That then the
said W S Ely be held and treated as
a Trustee holding the legal title of
said land for the said A M Ely and
That the said Tract of land in the hands
of said Trustee be held subject to the
payment of said debt or if this can-
not be done then That a personal decree
be rendered against the said W. S. Ely for
said sum on account of his indebtedness
to his father for said land or if thought
more just and proper then That said
M M Long be required to pay to them the
sum which he owes his said guardians
and That any sum which his guardian
Thomas S Ely owes him be held for
that purpose. And for General
Relief May Spa issue &c.

C. J. Duncan, for
Complainants.

Deft Long Recours
at Mr. Lerru 1886.

to 2.52
at 15.00

\$17.52

to 8.37

at 5.00

8 3.00

at 18.00

31.37

at 5.00

36.37

C. B. Wiggins

vs. Bill in Chen

C. M. Hamblin

1885 Bill Filed

July Spd Exp + Debit

Aug. D. C. Confirmed

+ cause set for hearing

Nov. C. continued

1886 Mr. Derru for cost to

Deft. M. M. Long + Contd.

Aug. Contd. ^{case} ~~contd~~

1887 Mr.

To the Hon. John A. Wells,
Judge of the Circuit Court for
Lee County.

The separate answer of the
infant defendants John Ely, Retha
Ely, Minnie Ely, Lucy Ely, Elsie
Ely, Ethel Ely & Eda Ely by J. A.
H. Syatt their Guardian ad.
Litem, to a bill in Chancery
filed in this Hon. Court against
these defendants and others
by W. B. Mygel et al

For answer this respondent
cannot say as to the truth or
falsity of the allegations in said
Bill. The said wards are of
tender years and incapable of
advising as to their interest, hence
their right and interest are placed
in the hands of Your Honor, whose
special care is the guarding of such
rights & interests. And now
tracing answered as fully
as he is advised it is proper
for him to do, pray leave to be
dismissed with his reasonable
Costs.

J. A. Syatt et al

M. B. Myer et al
vs
Arch. A. L.
No 3 for &c
R. M. Franklin et al

Filed July 1885
J. H. Hyatt cc

See of

To the Hon. John A. Kelly, Judge
of the Circuit Court of Lee County Va.

The defendant in answer of Mr. M.
Long to a bill filed in this Hon Court
against him and others by ~~Andrew~~ Mr.
B. Hyguel et al.

Respondent states that
the plffs bill is not good and suffi-
cient in law, and of this he prays
Judgment of the Court &c

But if
any other or further answer be
deemed necessary answering he says
there is no decree that binds him
for the sum of \$97.58 or any other
amount, but upon the contrary, did
he deem it advisable could show
that there is much due him from
his former guardian. He knows nothing
of the payments made, by the plffs
but whatever they are he denies his
liability to pay them. He is ad-
vised such payment by them is
voluntary and that he can not be
held, responsible therefor - He
denies he owes anything to the plff
which they have right to proceed against
him for. And having now fully answered he
prays to be dismissed with his costs.

J. A. Kelly

Mr. M. Long

Adol. Answer.

Mr. B. Hygal et al

Verdict:—

Lee County to wit, This day
M. M. Long, personally appeared
before me and made oath in
due form that the facts as stated
in the foregoing answer are true
so far as made on his own knowledge
and that so far as they depend on
information derived from others
he believes them to be true.

Given under my hand this 29
March 1884 J. A. Hyatt C. C.

M. B. Hygal et al... Plffs
against
R. M. Hamblin & Co. depts } ^{Indy}
This

Cause came on this day to be
heard upon, the bill of the
plffs an demurrer of Mr. M.
Long thereto and was argued by
Counsel, an consideration of which
& for reasons appearing to the Court
said demurrer is sustained, and the
plffs bill dismissed as to said
Mr. M. Long, and it is adjudged
that that said defendant Mr.
M. Long recover from the plffs
his costs, to be taxed by the
Clerk & execution may issue
for the same.

M. B. Hygal et al

v³ decree -

R. M. Hamblin

March 2 / 86

Entered page

524 + 25 -

J. A. Hyatt et al

Enter this

March 31 / 86

J. A. K.

The Commonwealth of Virginia,

To the Sheriff of Lee County--Greeting:

WE COMMAND YOU to summon *R. M.¹³ Hambley & Alex. M.¹ Ely*
Admr. A. M. Ely decd, and the said Alex. M. Ely, Wm. S.² Ely,
Charles³ Ely, John⁴ Ely, Mary⁵ Harris wife of E. W. Harris
Rettie⁷ Ely, Minnie⁶ Ely, Lucy⁹ Ely, Ollie⁸ Ely, Ethel¹⁰ Ely,
& Ida¹² Ely, M. M.¹¹ Long and Thos. S.¹⁴ Ely late Exar. of the
said M. M. Long,

to appear at the Clerk's office of the Circuit Court of Lee County, at the Court House, on the first Monday in
July next, being Rule Day, to answer a Bill in Chancery exhibited in our Court against
them, by *M. B. Mygal, Newton Mygal, Sebastian*
Mygal, J. R. Ely & Sarah Ely his wife, E. S. Bishop and
Cynthia J. Bishop his wife, Frank J. Mygal, James
B. Mygal, John B. Mygal and Wm. W. Mygal.

And have then and there this Writ. Witness, J. A. G. HYATT, Clerk of our said Court, at the Court House,
this *29th* day of *May*, 188*5*, in the 10*4* year of the Commonwealth.

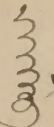
J. A. G. Hyatt, Clerk.

A Copy---Teste:

MB

(29.)

M. B. Mygal et al

vs  Spa in Choy

R. M. Hamblet et al

To July Rules 1885

Executed by handing
the within parties
a true office copy
of the within

I St Grung & S
for R D Hlaney S G C
June 16 1885